

LANGUAGE ACCESS ADVISORY COUNCIL

STATE OF HAWAII
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS
830 Punchbowl Street
Honolulu, Hawaii 96813

Tuesday, December 4, 2007
DLIR Conference Room 321

MINUTES

The Acting Chairperson, Gerald Ohta, called the meeting to order at 9:38 a.m.

1. Roll Call:

Present:

Serafin “Jun” Colmenares	Executive Director, Office of Language Access, Ex-officio
Bill Hoshijo	Executive Director, Civil Rights Commission, Ex-officio
Dominic Inocelda	Language Access Advisory Council, Chairperson
Gerald Ohta	Language Access Advisory Council, Vice Chair
Alohalani Boido	Language Access Advisory Council Member
Nāmaka Rawlins	Language Access Advisory Council Member
Dr. Tin Myaing Thein	Language Access Advisory Council Member
Dr. Suzanne Zeng	Language Access Advisory Council Member
Lito Asuncion	Language Access Advisory Council Member
Canisius Filibert	Language Access Advisory Council Member

Excused:

Sr. Earnest Chung	Language Access Advisory Council Member
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Others Present:

Frances Lum	Department of the Attorney General
Shari Dela Cuadra	Research Analyst, Office of Language Access
Jeremy Low	Research Analyst, Office of Language Access
M. Uilani Pauole de Sa	Senior Legal Analyst, Office of Language Access
Merry Balatico	Clerk

Vice Chair Gerald Ohta opened and presided over the meeting while awaiting the Chair’s arrival.

2. Approval of Minutes:

- As there were no corrections to the October 2, 2007 minutes, a motion was made by Ms. Boido to approve the minutes seconded by Ms. Rawlins. The October 2, 2007 Minutes was approved unanimously.
- Discussion on the word “bar” to mean barrier in the November 9, 2007 Minutes. A motion to adopt the Minutes/Notes was done by Mr. Asuncion and seconded by Ms. Rawlins. The November 9, 2007 Notes/ Minutes was approved unanimously.

Acting Chair Gerald Ohta turned the meeting over to Chair Dominic Inocelda upon the latter's arrival.

3. OLA Executive Director's Report

(See attached written report.)

Discussion: Executive Director "Jun" Colmenares Jr. further explained the confirmation hearing held on October 26, 2007. The terms of three Council Advisors: Dominic Inocelda, Sr. Earnest Chung, and Gerald Ohta will end 6/30/2008. They will be up for reappointment during the upcoming legislative session. One term is not to exceed 4 years.

4. Discussion of OLA's Vision:

- Mr. Ohta stated the vision should reflect a two way process for social justice. Discussion ensued. The Advisory Council then voted unanimously that OLA's Vision is: "Language Access For All"

5. Discussion of OLA's Mission:

- Discussion ensued in regards to the use of words advocate vs. promote. OLA's (proposed) Mission: "Promote equal access and full participation for persons with LEP through oversight, coordination, and assistance to state and state-funded entities" was tentatively adopted by the Advisory Council subject to further discussion and refinement at the next meeting. It was agreed that an electronic copy of OLA's proposed mission be sent out to members of the Council for further comments prior to the next meeting.

6. Liability Issues (Errors in Interpretation and Translation)

- Chairman Dominic Inocelda turned the discussion to Frances Lum from the AG's office.
- Attorney Lum reported that there is *no cause of action under law and no reports were found in regards to issues pertaining to errors in interpretation and translations.*
- Mr. Hoshijo informed the group that "public accommodation" in which an establishment is "Open to the Public" may be used to a certain extent and may apply to cases in which language access is not provided. He further mentioned that OLA was created in an affirmative approach to help both sides: entities and LEP's.

7. OLA's Legislative Proposals

- Chairman Inocelda turned the floor to Executive Director Colmenares for a report. Executive Director reported that they submitted proposals for: amendments to existing law, including the expansion of Language Access Advisory Council to include representatives from each county; an appropriations proposal to support two positions in the office to coordinate training and recruitment of interpreters; and a designated Language Access week or month to promote language access awareness in the State of Hawaii.
- Mr. Hoshijo suggested that Executive Director Colmenares and AG, Frances Lum should meet on submitting proposals and testimonies to the legislature since OLA's internal process is attached to the DLIR Director administratively.

Ms. Boido briefed the Advisory Council on HB600 that was deferred from the last session and requested support for this bill from the Advisory Council. Chairman Inocelda deferred

the matter to the next meeting on January 8, 2008. Ms. Boido is to be given 10 minutes to further explain HB600 at the next meeting.

8. Language Access Conference: March 28, 2008 and March 29, 2008
 - Chairman Inocelda turned the floor to Ms. Zeng to discuss the program and target audience. (See attached forms). The purpose of the Conference is to promote awareness. The conference program will be further revised and speakers will be identified and invited.
9. New Business: Agenda items for 1/8/08.
 - Ms. Zeng suggested halting distribution of the multilingual “Posters” due to inaccuracies. She also requested “I speak cards” as a project to distribute in 16 languages. Chairman Inocelda and members agreed to discuss this further in future meetings.
 - Procurement and Workforce issues: There was discussion about procurement issues involving interpreters as well as the status of interpreters (independent contractors or employees?). This will be discussed further at the next meeting. Mr. Hoshijo requested Executive Director Colmenares to get the “policy” from Administrative Services on the use of interpreter services.
 - How is the statutory provision on bilingual staffing to be implemented? OLA is to provide guidelines.
10. Announcements:
 - Executive Director Colmenares and Advisory Board Member Mr. Ohta invited to the Annie Casey Foundation Language Access Convening in Baltimore in early March or early April 2008.
 - Dr. Zeng reported that at a recent UH coordinators meeting, almost all coordinators were unaware of Act 290, The Language Access Law, and suggested workshops for organizations that serve the community.
 - The next Language Access Advisory Council Meeting to be held January 8, 2008 at Room 321, DLIR Conference Room.
11. Adjournment:

There being no further discussions, the Meeting of the Office of Language Access Advisory Council adjourned at 11:30 a.m.